

Senate File 2286

H-8455

1 Amend Senate File 2286, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 476D.1 Short title.

6 This chapter shall be known and may be cited as the
7 "*Stray Current and Voltage Remediation Act*".

8 Sec. 2. NEW SECTION. 476D.2 Definitions.

9 As used in this chapter, unless the context
10 otherwise requires:

11 1. "*Board*" means the utilities board within the
12 utilities division of the department of commerce.

13 2. "*Cow contact points*" means any two electrically
14 conductive points which a dairy cow may, in its normal
15 environment, unavoidably and simultaneously contact.

16 3. "*Dairy producer*" means any person or entity that
17 owns or operates a dairy farm or that owns cows that do
18 or are intended to produce milk.

19 4. "*Preventive action level*" is stray current or
20 voltage constituting either of the following:

21 a. A steady-state, root mean square alternating
22 current of two milliamp or more through a five hundred
23 ohm resistor connected between cow contact points, as
24 measured by a true root mean square meter.

25 b. A steady-state, root mean square alternating
26 current voltage of one volt or more, across or in
27 parallel with a five hundred ohm resistor connected
28 between cow contact points, as measured by a true root
29 mean square meter.

30 5. "*Steady-state*" means the value of a current or
31 voltage after an amount of time where all transients
32 have decayed to a negligible value.

33 6. "*Stray current or voltage*" means either of the
34 following:

35 a. Any steady-state, sixty hertz, including
36 harmonics thereof, root mean square alternating current
37 of less than twenty milliamp through a five hundred
38 ohm resistor connected between cow contact points, as
39 measured by a true root mean square meter.

40 b. Any steady-state, sixty hertz, including
41 harmonics thereof, root mean square alternating current
42 voltage of less than ten volts, across or in parallel
43 with a five hundred ohm resistor connected between cow
44 contact points, as measured by a true root mean square
45 meter.

46 7. "*Utility*" means a public utility as defined in
47 Code section 476.1, or for purposes of this chapter,
48 any other person owning or operating more than one
49 thousand five hundred miles of transmission lines and
50 associated facilities in this state.

1 Sec. 3. NEW SECTION. 476D.3 Rules — scope of
2 authority.

3 The board shall by rule establish standard
4 procedures and protocols which may be used for the
5 measurement of stray current or voltage. The board
6 shall review the rules from time to time, or upon
7 petition to the board, to ensure that the standard
8 procedures and protocols continue to be scientifically
9 and technologically accurate and a reliable means of
10 detecting stray current or voltage. Other measurements
11 of stray current or voltage made using other procedures
12 and protocols may be considered by the board in
13 appropriate cases.

14 Sec. 4. NEW SECTION. 476D.4 Stray current or
15 voltage program — claims — notice — utility response.

16 1. A dairy producer in this state that claims that
17 its dairy cows are being affected by stray current or
18 voltage may participate in the stray voltage program.
19 The dairy producer shall provide written notice to
20 the utility and may provide notice to the board to
21 participate in the program. The notice shall include
22 a nonbinding statement as to why the dairy producer
23 claims its dairy cows are being affected by electrical
24 energy attributable to the utility.

25 2. a. Within fourteen business days after receipt
26 of a notice alleging stray current or voltage by a
27 utility pursuant to subsection 1, the utility shall
28 take or arrange for the taking of measurements to
29 identify the existence and magnitude of the stray
30 current or voltage, if any. A dairy producer providing
31 notice of the claim shall permit entry onto the dairy
32 farm at dates and times mutually agreed upon by the
33 dairy producer and the utility. The utility shall
34 perform no other service or inspection on the dairy
35 farm beyond taking measurements of stray current
36 or voltage, except the utility may advise the dairy
37 producer as to recommended on-farm remedial action and
38 may perform such remedial action with the permission of
39 the dairy producer. The utility or its representative
40 shall abide by the dairy farm's biosecurity protocols
41 or, if none, generally accepted biosecurity protocols
42 in the industry, prior to entry onto the dairy farm.
43 The utility shall be provided advance notice of any
44 biosecurity protocols adopted by the dairy producer.

45 b. A dairy producer may include with the notice
46 provided pursuant to subsection 1, or in a subsequent
47 notice, a written request for the board to take or
48 arrange for the taking of separate and independent
49 measurements to identify the existence and magnitude
50 of stray current or voltage, if any. Such a request

1 may also be made by the utility. Measurements by the
2 board shall be taken by a representative of the board
3 directly, or by a neutral third-party expert selected
4 by the board for such purposes. A dairy producer
5 providing notice to the board shall permit entry onto
6 the dairy farm at dates and times mutually agreed
7 upon by the dairy producer and the board. The board
8 or a selected third-party expert shall perform no
9 other service or inspection on the dairy farm beyond
10 taking measurements of stray current or voltage,
11 except the board or third-party expert may advise the
12 dairy producer as to recommended on-farm remedial
13 action. The board or the third-party expert shall
14 abide by the dairy farm's biosecurity protocols or,
15 if none, by generally accepted biosecurity protocols
16 in the industry, prior to entry onto the dairy farm.
17 The board shall be provided advance notice of any
18 biosecurity protocols adopted by the dairy producer.
19 The board shall subsequently prepare or cause to be
20 prepared a determination of source document which shall
21 be made available to both the dairy producer and the
22 utility.

23 3. If the utility's or the board's measurements
24 identify a level of stray current or voltage at cow
25 contact points in excess of the preventive action
26 level, the utility or the board, as applicable,
27 shall promptly identify if the utility's distribution
28 system's contribution is greater than one milliamp or
29 one-half volt, measured according to procedures and
30 protocols specified by the board by rule. For purposes
31 of this determination, stray current or voltage on
32 the utility's distribution system shall be attributed
33 to the utility even if caused by other customers
34 connected to the utility's distribution system. If
35 that portion of the stray current or voltage at
36 cow contact points attributable to the utility's
37 distribution system exceeds one milliamp or one-half
38 volt, the utility shall, within fifteen business days,
39 commence and diligently pursue to completion, remedial
40 procedures which result in, and are reasonably likely
41 to sustain, a reduction of the stray current or voltage
42 at cow contact points attributable to the utility's
43 distribution system to one milliamp or less or one-half
44 volt or less, measured in accordance with the rules
45 established by the board.

46 **Sec. 5. NEW SECTION. 476D.5 Civil actions.**

47 A civil action shall not be commenced by a dairy
48 producer against a utility seeking damages or other
49 relief allegedly due to injury caused by stray current
50 or voltage unless the dairy producer has provided

1 notice of its participation in the stray current or
2 voltage program in accordance with section 476D.4
3 at least ninety days prior to filing such an action.
4 In any civil action against a utility for damages or
5 other relief, the written documentation prepared by
6 or on behalf of the board pursuant to section 476D.4
7 may be admissible in evidence. The definitions,
8 standards, and other board determinations created
9 pursuant to this chapter shall only be used for the
10 purpose of deciding whether a utility would be required
11 to complete remedial action under section 476D.4. Such
12 definitions, standards, and other board determinations
13 shall not be construed to create a presumption or
14 conclusive proof of the existence or lack of existence
15 of proximate cause or damage as a result of stray
16 current or voltage in any civil action for damages
17 or injunctive relief. The board's measurements and
18 determinations in accordance with this chapter shall
19 be considered to be an advisory opinion of the board
20 and shall not be binding on a court of law. Any and
21 all civil damages shall be determined by a court of
22 law, and shall be based on evidence provided by both
23 parties.>

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